

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
v.)	1:03CV00087
)	
2.059 ACRES, MORE OR LESS)	
LOCATED IN CARTHAGE, RITTER)	
TOWNSHIP, MOORE COUNTY, NORTH)	
CAROLINA, WITH ALL APPURTENANCES)	
AND IMPROVEMENTS THEREON,)	
INCLUDING A 1998 PALM HARBOR)	
MOBILE HOME, SERIAL #PH112327,)	
)	
Defendant.)	

O R D E R

Maribel Olivera Noquez ("Claimant") filed a Statement for Claim of Interest or, in the Alternative, a Motion to Dismiss Forfeiture Proceedings in which she claimed Defendant property is the primary residence for herself and her two minor children. Claimant, alleging she was financially unable to obtain representation herself, moved the court for representation by an attorney for the Legal Services Corporation pursuant to 18 U.S.C. § 983. The applicable portion of the statute provides:

If a person with standing to contest the forfeiture of property in a judicial civil forfeiture proceeding under a civil forfeiture statute is financially unable to obtain representation by counsel, and the property subject to forfeiture is real property that is being used by the person as a primary residence, the court, at the request of the person, shall insure that the person is represented by an attorney for the Legal Services Corporation with

respect to the claim.

18 U.S.C. § 983(b)(2)(A) (emphasis added). However, a preliminary investigation by Plaintiff shows Claimant is no longer residing in Defendant property and in fact transferred the property by warranty deed to a third party on July 2003.

Accordingly,

IT IS ORDERED that Claimant has fifteen (15) days from the date of this order in which to show Defendant property continues to be used as her primary residence.

The clerk of court is directed to send a copy of this order to Claimant by registered mail.

This the 12th day of May 2005.


United States District Judge